

**REMARKS**

In the Restriction Requirement mailed September 30, 2005, the Examiner has restricted the claims to one of the following inventions under 35 U.S.C. 121:

- I.     Claims 1-35, drawn to an apparatus and method for fitting a hearing aid, classified in class 381, subclass 314.
- II.    Claims 36-38, drawn to a method of using a genetic algorithm crossover operator, classified in class 700, subclass 29.
- III.   Claims 39-43, drawn to a method of using a genetic algorithm mutation operator, classified in class 700, subclass 31.

Applicant elects, without traverse, Group I, claims 1-35. Applicant respectfully cancels claims 36-43 (Groups II and III) without prejudice or disclaimer, and reserves the right to reintroduce them in one or more Divisional applications at a later date.

**RESPONSE TO RESTRICTION REQUIREMENT**

Serial Number: 10/051,757

Filing Date: January 16, 2002

Title: HEARING AIDS AND METHODS AND APPARATUS FOR AUDIO FITTING THEREOF

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Dkt: 899.056US1

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6912 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

ERIC DURANT

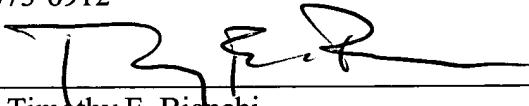
By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6912

Date

Oct. 27, 2005

By

  
Timothy E. Bianchi  
Reg. No. 39,610

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 27 day of October, 2005.

Name

LATE CANON

Signature

